

Application No. 10/008,960
Docket No. 3634-25

Remarks

A. Amendments

Claims 1, 6, 10, 11 and 18 have been amended to change “shown as” to “depicted in” which is consistent with the language used in Claims 3, 7, and 8 when referring to the amino acid sequence.

Claim 3 has been amended to claim antibodies specifically binding to the SDI-1 protein as well as the SDI-1 fusion protein, both of which comprise the amino acid sequence depicted in SEQ ID NO: 2.

Claim 4 has been amended to correct the reference to the SDI-1 protein from “the” to “an”.

Claim 6 has been amended to identify the protein as “an SDI-1 protein” and to identify the fusion protein as “an SDI-1 fusion protein”. In addition, the phrase “at least” has been deleted since it is unnecessary due to the use of “comprising”.

Claim 7 has been amended to change “having” in subparts a) and b) to the original open-ended language “comprising”. The word “having” is not necessarily an open-ended transitional phrase, see In Crystal Semiconductors Corp. v. Tri Tech Microelectronics Int’l, Inc., 57 U.S.P.Q 2d, 1953 (Fed. Cir. 2001). In subpart b), “at least” has been deleted since the open-ended language “comprising” was added. In subpart c), the word “fusion” was deleted because the protein consisting of the amino acid sequence depicted in SEQ ID NO: 2 is not a fusion protein; it is the SDI-1 protein. In sub-part d) the phrases “encoded by a sequence consisting of the coding sequence” has been deleted because the sequence depicted in SEQ ID NO: 2 is not a nucleotide sequence – it is the amino acid sequence. The closed transitional phrase “consisting of” has been used in sub-part d) and this sub-part is the same as it was in the Preliminary Amendment.

Claim 8 has been amended by adding “antibody” after the word “which” to make it clear that it is the antibody which specifically binds to the SDI-1 fragment.

Claim 9 has been amended to correct the dependency from Claim 29 to Claim 8.

Claim 11 has been amended to include “or splenocyte” which was in the original claim but left out of the amended claim. Please note dependent Claims 13 and 15 refer to the splenocyte.

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Claims 12, 13, 14 and 15 have been amended to change the dependency from Claim 32 to renumbered Claim 11.

Claim 18 has been amended to delete an extraneous comma.

B. Telephone Conference

This paper will make of record the telephone conference of June 10, 2004 between the undersigned, Dr. Isabel Cantallops, and Examiner Gucker. Changes in Claims 22, 24, 25, 28, 31, 32, 37, 38 and 39 were discussed. It will also make of record the telephone conference of June 15, 2004 during which Claims 24, 25, and 28 were discussed.

C. Conclusion

The Examiner is thanked for his helpful suggestions.

Entry of this amendment is respectfully requested. No new matter is presented.

Respectfully submitted,

Date:

July 12, 2004

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